

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

JAYMES CALDWELL,)	
)	
Plaintiff,)	CIVIL ACTION FILE
)	NO.:
v.)	
)	
WESTDALE ASSET MANAGEMENT,)	
LTD. d/b/a THE ALASTAIR AT ARIA)	
VILLAGE, AND JACOB MILLER)	
)	
Defendants.)	
)	

TO: United States District Court, Northern District of Georgia
Atlanta Division

Clerk, State Court of Fulton County, State of Georgia
Re: Civil Action File No. 22EV002176

Timothy A. Raimey, Esq.
Attorney for Plaintiff

**DEFENDANT WESTDALE ASSET MANAGEMENT, LTD. d/b/a THE
ALASTAIR AT ARIA VILLAGE’S NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1331, 1332, 1441, and 1446, Defendant Westdale Asset Management, Ltd. d/b/a The Alastair at Aria Village (“Westdale”), hereby provides notice of removal of the above captioned action from the State Court of Fulton County, State of Georgia, to the United States District Court for the Northern District of Georgia, Atlanta Division, and in support thereof states as follows:

1. This is a civil action of which this Court has original federal question jurisdiction under 28 U.S.C. § 1331 and under 28 U.S.C. § 1332 based on complete diversity of citizenship among the parties and which may be removed to this Court pursuant to 28 U.S.C. § 1441.
2. On March 16, 2023, Plaintiff filed an Amended Complaint in the State Court of Fulton County, Georgia, Civil Action File Number 22EV002176 (the “State Court Action”).
3. Westdale’s attorneys were also served with Plaintiff’s Amended Complaint on or about March 16, 2023.
4. Westdale has filed this Notice within thirty (30) days after its receipt of the Amended Complaint. Accordingly, Westdale’s removal of the State Court Action is timely pursuant to 28 U.S.C. § 1446(b).
5. Venue exists in this Court because this district and division embrace the State Court in which the State Court Action is pending. Therefore, this Court is the appropriate court for removal, pursuant to 28 U.S.C. § 1441(a).
6. Plaintiff’s Amended Complaint sets forth a claim against Defendant Miller pursuant to 42 U.S.C. § 1983. As such, this case is properly removable to this Court pursuant to 28 U.S.C. § 1331.
7. Furthermore, Plaintiff is domiciled in Georgia and is, therefore, a

citizen of Georgia.

8. Westdale is a Texas partnership with its principal place of business in Texas, and is, therefore, a citizen of Texas.
9. Westdale's general partner is JGB Ventures I, Ltd., which is a Texas partnership with its principal place of business in Texas, and, therefore, also a citizen of Texas.
10. Defendant Miller is domiciled in Texas and is, therefore, a citizen of Texas.
11. Thus, there is complete diversity between the Plaintiff and Defendants.
12. Based on the allegations in Plaintiff's Complaint, the amount in controversy exceeds \$75,000, exclusive of costs and interest.
13. As such, this case is properly removable to this Court pursuant to 28 U.S.C. § 1332.
14. Pursuant to 28 U.S.C. § 1446(b)(2)(A), all Defendants who have been properly served consent to removal of this action.
15. Pursuant to 28 U.S.C. § 1446(a), a copy of Plaintiff's Amended Complaint is attached hereto as Exhibit "A." Copies of all other process, pleadings and orders served upon Westdale are attached hereto as Exhibit "B."

16. Written notice of the filing of the Notice of Removal will be promptly served upon Plaintiff's counsel, and a copy will be promptly filed with the Clerk of the State Court of Fulton County, State of Georgia, pursuant to 28 U.S.C. § 1446(d). A copy of the Notice of Filing Notice of Removal is attached hereto as Exhibit "C."
17. The undersigned has read this Notice of Removal, and to the best of the undersigned's knowledge, information, and belief, formed after a reasonable inquiry, it is well-grounded in fact; is warranted by existing law or an extension or modification of existing law, and is not interposed for any improper purposes, such as to harass or cause unnecessary delay or needless increase in the cost of this litigation.

WHEREFORE, Westdale prays for removal of the above-captioned matter to this Court, and respectfully requests that this Court assume jurisdiction of this case and take all such further action as deemed just and proper.

Respectfully submitted, this 11th day of April, 2023.

**WEINBERG, WHEELER, HUDGINS,
GUNN & DIAL, LLC**

By: /s/ Jackson A. Dial
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RULE 5.1C CERTIFICATE OF TYPE, FORMAT AND FONT SIZE

Pursuant to Local Rule 5.1C of the United States District Court of the Northern District of Georgia, the undersigned certifies that the foregoing submission to the Court was computer-processed, double-spaced between lines, and used Times New Roman font of 14-point size.

CERTIFICATE OF SERVICE

I hereby certify that on April 11, 2023, the foregoing document was filed electronically to the Court's ECF system, and to the electronic mail addresses below, and therefore served upon the following counsel of record:

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**WEINBERG, WHEELER, HUDGINS
GUNN & DIAL, LLC**

/s/ Jackson A. Dial
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